

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PAUL SUTHERLAND PHOTOGRAPHY, LLC.

Plaintiff,

-against-

THE MCGRAW HILL COMPANIES and DR.  
LEWIS KOHL

Defendants.

-----X

DEFENDANT DR. LEWIS  
KOHL'S INITIAL  
DISCLOSURE PURSUANT TO  
RULE 26 OF THE FEDERAL  
RULES OF CIVIL  
PROCEDURE

Docket: 07 CIV 3748  
Hon. Jed S. Rakaooff

PLEASE TAKE NOTICE, that the defendant, Dr. Lewis Kohl, by  
his attorneys, Kuczinski, Vila & Associates, LLP., in compliance  
with Rule 26 of the Federal Rules of Civil Procedure in the United  
States District Court for the Southern District sets forth the  
following:

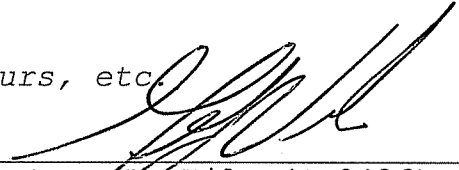
1. **Individuals likely to have discoverable information:**  
Paul Sutherland, Dr. Lewis Kohl, Binita Shah (Author of subject book), Andrea Seils (former Senior Medical Editor, McGraw Hill), Anne Sydor (McGraw Hill) and Selina Connor (McGraw Hill). Defendant reserves the right to supplement this response in the event any other individuals become known to the defendant to have any such information;
2. **Copies of and a description of all documents, etc.**  
Defendant Dr. Lewis Kohl will utilize all of the documents attached to plaintiff's Complaint as Exhibits "A", "B", "C", "D" and "E" to support any and all of its cross-claims against the co-defendant, The McGraw Hill Companies and/or as part of its defenses, to the plaintiff's claims. In addition, Dr. Lewis Kohl lists the subject book, The Atlas of Pediatric Emergency Medicine as a document (not provided) and is providing copies of the following additional documents:
  - A. Printouts of various e-mails between the parties and between the parties and Binita Shah (Exhibit "A");
  - B. Proposed contributor's agreement (Exhibit "B");

Defendant, Dr. Lewis Kohl reserves the right to supplement this response if any additional documentation becomes known or available.

3. **Computation of damages:** Defendant, Dr. Lewis Kohl's only claim for damages is for reimbursement of any and all reasonable attorney's fees and disbursements in this action from the co-defendant, The McGraw Hill Companies, based upon defendant, Dr. Lewis Kohl's cross-claims against The McGraw Hill Companies as well as for complete indemnification, both contractual and common law, from the co-defendant, The McGraw Hill Companies based upon any and all judgments that the plaintiff may obtain against defendant, Dr. Lewis Kohl.
4. **Insurance Agreements:** The defendant, Dr. Lewis Kohl has no insurance applicable to satisfy any of the claims in this action or cross-claims or for the payment of the defense of this action.

Dated: Tarrytown, New York  
July 25, 2007

Yours, etc.



\_\_\_\_\_  
Gustavo L. Vila (GV0436)  
KUCZINSKI, VILA & ASSOCIATES, LLP  
Attorneys for Defendant  
DR. LEWIS KOHL  
220 White Plains Road, 2<sup>nd</sup> Floor  
Tarrytown, New York 10591  
(914) 347-7333

TO:

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Defendant  
The McGraw Hill Companies, Inc.  
1133 Avenue of the Americas  
35<sup>th</sup> Floor  
New York, New York 10036-6799

EDWARD C. GREENBURG, P.C. (ECG 553)  
Attorney for Plaintiff  
100 Park Avenue, 33<sup>rd</sup> Floor  
New York, New York 10017  
(212) 697-8777

STATE OF NEW YORK, COUNTY OF NEW YORK ss.:

**AFFIDAVIT OF SERVICE BY MAIL**

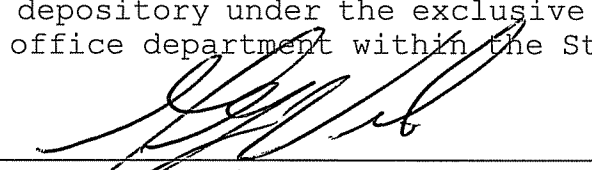
Gustavo L. Vila, being duly sworn, deposes and says that deponent is a member of the firm of Kuczinski, Vila & Associates, LLP., the attorneys for Dr. Lewis Kohl, is over the age of eighteen and is not a party to this action.

On July 26, 2007, deponent served the within Defendant, Dr. Lewis Kohl's Initial Disclosure Pursuant to Rule 26 of the Federal Rules of Civil Procedure upon:

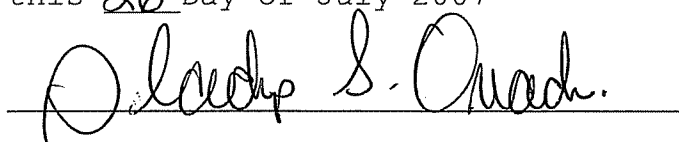
EDWARD C. GREENBURG, P.C. (ECG 553)  
Attorney for Plaintiff  
100 Park Avenue, 33<sup>rd</sup> Floor  
New York, New York 10017  
(212) 697-8777

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Defendant  
The McGraw Hill Companies, Inc.  
1133 Avenue of the Americas  
35<sup>th</sup> Floor  
New York, New York 10036-6799  
(212) 790-9200

the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in - a post office - official depository under the exclusive care and custody of the United States post office department within the State of New York.

  
Gustavo L. Vila (GV0436)

Sworn to before me  
this 26 Day of July 2007



GLADYS S. OVADIA  
Notary Public, State of New York  
No. 010V5062843  
Qualified in Rockland County  
Commission Expires July 8, 2010

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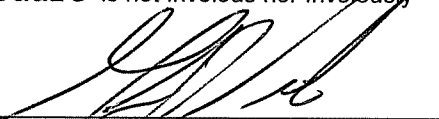
Defendant, Dr. Lewis Kohl's Initial Disclosure Pursuant to Rule 26 of  
the Federal Rules of Civil Procedure

Kuczinski, Vila & Associates, LLP.  
Attorneys for Defendant  
Dr. Lewis Kohl  
220 White Plains Road  
Tarrytown, New York 10591  
(914) 347-7333

**CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. §130-1.1a**

Gustavo L. Vila, Esq. hereby certifies that, pursuant to 22 N.Y.C.R.R. §130-1.1a, the foregoing  
Defendant, Dr. Lewis Kohl's Initial Disclosure Pursuant to Rule  
26 of the Federal Rules of Civil Procedure is not frivolous nor frivolously  
presented.

Dated: Tarrytown, New York  
July 25, 2007

  
Gustavo L. Vila (GV0436)

**PLEASE TAKE NOTICE**

- ☐ that the within is a true copy of a entered in the office of the clerk of the within named  
Court on .
- ☐ that a of which the within is a true copy will be presented for settlement to the Hon. one of  
the judges of the within named Court at , on at 9:30 a.m.

Kuczinski, Vila & Associates, LLP.  
Attorneys for Defendant  
Dr. Lewis Kohl  
220 White Plains Road  
Tarrytown, New York 10591  
(914) 347-7333

GLV/cmp